

27 MAR 1975

MEMORANDUM FOR: Chairman, DCID 1/7 Working Group

SUBJECT : Revision of DCID 1/7, "Control of
Dissemination of Foreign Intelligence"

REFERENCE : Memorandum to Chairman, Security
Committee, USIB from DIA Member,
Security Committee (U-48, 911/DS-6)
dated 18 March 1975, subject as above

1. In the referent memorandum the DIA member of the USIB Security Committee recommends that the control markings EXTRAC-
TION OR PARAPHRASING OF INFORMATION IN THIS DOCUMENT
PROHIBITED, DISSEM WITHIN USA ONLY, and NOT RELEASEABLE
TO CONSULTANTS OR CONTRACTORS be deleted from the draft
DCID 1/7. On behalf of the Directorate of Operations I wish to
place before your Working Group the reasons militating against
accepting this recommendation.

2. At a time when the ability of the United States Government
to maintain any information in confidence is being questioned by
sources and by governments throughout the world any effort to reduce
or eliminate any protective devices available to us is unthinkable.
These controls are devices to reduce the risks of unauthorized
disclosure. They are provided so that those aware of the vulner-
ability of a source can take reasonable actions to protect him and
the United States' continuing access to the information he produces.
It is not possible for someone not in direct contact with the source
to know the nature of the hazard or extent of damage which would
result from an unauthorized disclosure of information he has
produced. Protection of the information is an integral part of the
protection of the source. The existence of agreed upon dissemina-
tion controls permits the originator of a report to match the controls
on the report to the risks the source is undergoing when his informa-
tion is disseminated to the intelligence community.

3. The publication of a USIB document in unclassified form which announces that the intelligence community has no way of restricting the dissemination of information beyond denying it to foreign nationals would have a direct and immediate effect on intelligence available to the United States. At the present time we receive some information from the British on the condition that it not be disseminated outside the United States. If the USIB directive does not provide the means to honor this condition we can anticipate that this kind of information will no longer be forthcoming from the British. We can also anticipate that other sources will react in similar fashion.

4. Following are comments on the DIA member's objections to the proposed dissemination controls:

a. NO EXTRACT

(1) "Obtaining permission to use a number of such documents in an intelligence product and markings restricting its subsequent use by recipients would create an administrative nightmare."

Comment: Paragraph 6d of the draft DCID requires the establishment of procedures in each agency to permit rapid interagency consultation concerning the utilization of intelligence and information. In the case of the Directorate of Operations a reports clearance office has long existed to handle requests arising from the current DCID 1/7 and it has not created an administrative nightmare. This clearance service is provided twenty-four hours a day seven days a week. During three days this past week twelve DIA requests to use information in the DIN were answered with an average time of twenty-six minutes from request to response. The longest time required in this sample was one hour and fifty minutes. On occasion responses may take much longer but such instances are exceptions.

(2) "Another serious problem with this marking is failure to recognize the "need to know" principle."

Comment: The "need to know" principle is intended as a restriction on the spread of classified information and a reason for selective dissemination. Unrestricted use of intelligence information in other agency's publications does not appear to result in very selective dissemination. It should be noted that the DIN Summary standard cable address list includes some six hundred addressees throughout the world. This statement does not recognize that the originator of the information may already have provided it to the most interested customers in the U.S. and abroad.

b. DISSEM IN USA ONLY

Comment: The DIA statement on this control implies that the appearance of this control necessarily denies information to need to know customers outside the United States. This is not the case. Original dissemination of the information by the originator can include overseas customers and authorization to disseminate the information to customers not included in the original dissemination can be obtained from the originator. The purpose of the control is so that overseas distribution is made with the knowledge and permission of the originator.

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c. NO CONTRACTOR

Comment: The usefulness of contractors to departments and agencies in the performance of their functions is not in question. It was recognized

when the USIB Policy on Release of Intelligence to Contractors (USIB-D-71.8/2, 2 April 1970) was promulgated. This policy statement also affects the release of intelligence to consultants. The control does not mean that consultants or contractors can never have access to information marked NO CONTRACTOR. It does mean that the originator must be informed and concur in the release of such information. It is also possible to obtain blanket authorization for a certain contractor to have access to reports carrying the NO CONTRACTOR control. With respect to release of information to reservists there is little to add that the Chief, DCD has not already said. A comment contained in a memorandum to me from the Director of Naval Intelligence on a declassification incident illustrates the reason for our desire to be able to deny some information to reservists. "Naval History manpower shortages led to the use of reservists on active duty for training to perform the review. Their inexperience, coupled with the inadequate guidance, resulted in the entire "package" of report, source identification, and evaluation being declassified on 9 March 1973, and provided to the requestor." A copy of the DNI memorandum was sent to the Chairman, USIB Security Committee on 12 March 1975.

5. It is interesting to note that in his final paragraph the DIA member recognizes the necessity for some form of dissemination control. "Reports of such a sensitivity to require additional markings should be placed in the "EYES ONLY" or other specified limited distribution categories." I wonder if the DIA member considered the consequences of his proposal with respect to its effect on the responsibility of the DIA Director for Intelligence to produce intelligence and on his own interpretation of "need to know." The draft DCID 1/7, "Control of Dissemination of Intelligence," is an attempt to specify limits on the dissemination of intelligence for the intelligence community "while facilitating the interchange of information for intelligence purposes."

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